THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.24993 OF 2005

Dt.23.11.2005

Between:

B.Maddileti

… Petitioner

And

The Revenue Divisional Officer,

Anantapur and another … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

Pursuant to the notification dated 13.2.2000 calling for applications for allotment of Fair Price Shop dealer of Thondapadu Village on permanent basis, five persons have filed their applications and out of the said five persons only two persons, namely, V.Krishna Murthy and the petitioner herein were found eligible for appointment of Fair Price Shop dealer. But, however, as the said V.Krishna Murthy was found more meritorious, the Revenue Divisional Officer, Anantapur by order dated 6.6.2005 appointed him as Fair Price Shop dealer. Aggrieved by the said order, the petitioner filed an appeal before the

Joint Collector, Anantapur on the ground that the said V.Krishna Murthy is working as Teacher in Rural Development Trust school at Thondapadu village and therefore he is disqualified to hold the dealership and the petitioner is only entitled for appointment as Fair Price Shop dealer of the said village. The Joint Collector instead of considering the request of the petitioner for appointment as Fair Price Shop dealer by setting aside the order of the Revenue Divisional Officer, allowed the appeal on the ground that the said V.Krishna Murthy is not entitled for appointed as Fair Price Shop dealer and directed the Revenue Divisional Officer, Anantapur to call for fresh notification to fill up the vacancy of the said Fair Price Shop. Aggrieved by the said order, as the request of the petitioner was not being considered for his appointment as Fair Price Shop dealer, he being the only remaining candidate, the petitioner filed revision before the District Collector, Anantapur. While the revision is pending, the first respondent issued notification dated 9.11.2005 calling for fresh applications two days after the District Collector also rejected the stay application on 12.11.2005. Aggrieved by the said notification as well as the rejection order of the Collector, this writ petition has been filed.

In fact, this Court in W.P.No.19702 of 2005 by order dated 15.11.2005 held that when the appeal has been filed by the qualified person and if the other qualified persons found unqualified, the qualified person is entitled to be appointed. But, however, as the revision itself is pending before the District Collector, I am of the opinion that it is just and proper to direct the revisional authority to pass appropriate orders on the revision itself. Even before the revision is disposed of, the notification dated 9.11.2005 issued by the first respondent calling for applications for appointment of permanent dealer of the said Fair Price Shop is illegal and without jurisdiction. Accordingly, the impugned order of the 2nd respondent in Rc.No.K4/ATP/1090/2005 dated 12.11.2005 is set aside and the 2nd respondent is directed to dispose of the revision itself after giving reasonable opportunity to the petitioner within two weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

_____

(V.ESWARAIAH, J.)

23.11.2005

kpr